IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.1148/1999.

Smt.Bimla Devi Kaushik. **VERSUS** Union of India & Ors.

01.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Miss Neelu Saini on behalf of
Mr.I.R.Saini, for the petitioner.
Mr.Hemant Gajraj, for the respondents.

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The petitioner in the writ petition has challenged the orders (Annexures-4, 5 and 6) by which the demand against the petitioner for payment of the bill of telephone has been raised and thereafter an award came to be passed by the Arbitrator which as per the case of the petitioner was *ex-parte* as the same had been given without affording any opportunity of hearing to the petitioner.

The respondents, on the other hand, contended that notice had been served upon the petitioner by the registered post.

During the course of hearing on 02.08.2006, with a view to resolve the aforesaid dispute as to whether or not the notice of hearing was served upon the petitioner, the respondents were directed to file a copy of the receipts by which the notices of hearing were given to the petitioner. Thereafter, time was allowed to the learned counsel for the respondents again on 18.08.2006 and 16.11.2006.

Learned counsel for the respondents submitted that on account of the fact that the record is an old one, the said receipts are not available.

In view of the above, since the receipts which could have determined the question as to whether or not the notice of hearing was given to the petitioner to afford an opportunity of hearing and comply with the principles of natural justice, the same not being available on record, in the interest of justice, therefore, with a view to redress the grievance of the petitioner that no notice was given prior to determination and satisfying the requirement of principles of natural justice, it is hereby directed that the impugned orders (Annexures-4, 5 and 6) are set aside.

The parties are directed to approach the Arbitrator to redetermine the dispute. The parties are directed to appear before the Arbitrator on 20.12.2006 who shall re-determine the issue afresh.

Consequently, the writ petition as well as the stay application stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.